

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

HORTON HOMES, INC.,

Plaintiff,

V.

Case No.

LARUE BANDY, MARIE BANDY, PATRICK PRITCHETT, WILLIAM SHANER, ELSIE FONDREN AVERETTE, WILLIAM CRUTHIRDS, and SHERRIE CRUTHIRDS,

2:07-CV-506-MEF

Defendants.

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed. R. Civ. P. 26(f), the following counsel for the parties have conferred as to the discovery plan:

Sydney F. Frazier, Jr. for Plaintiff Horton Homes, Inc.

Frank H. Hawthorne, Jr. for Defendants LaRue Bandy, et al.

2. Pre-Discovery Disclosures. Prior to and during the preliminary injunction hearing for this case, the parties disclosed the information required by Rule 26(a)(1), but acknowledge their duty to supplement those disclosures pursuant to 26(e)(1).

3. Discovery Plan. The parties agree on the following discovery plan:

(a) Paper discovery has already been initiated. Additional discovery may be needed on the following subjects: Plaintiff's claims and the defenses of the defendants.

(b) Any additional paper discovery shall be filed in time to be completed by July 1, 2008.

(c) Any depositions shall be completed by July 1, 2008.

(d) A final list of witnesses shall be exchanged on or before June 2, 2008.

4. The parties do not request a scheduling conference with the court prior to the entry of a scheduling order.

5. The parties request a pre-trial conference to be scheduled after July 1, 2008, but not later than August 20, 2008.

6. Plaintiff should be allowed until January 15, 2008 to join additional parties and to amend the pleadings.

7. Because of the court's familiarity with the evidentiary record from the preliminary injunction hearing, dispositive motions may be filed no later than July 1, 2008.

8. All exhibits shall be exchanged not later than thirty (30) days prior to the scheduled trial date. Any objection to any exhibit shall be made within

fourteen (14) days from the date of the exchange of such exhibits and shall state with particularity the objection being interposed thereto. If no objection is made in compliance herewith, the exhibit shall be deemed authentic and admitted into evidence at the trial of this case without any further predicate or foundation being laid as a condition to the admission of such exhibit into evidence.

The case should be ready for trial by September 29, 2008 and is expected to take approximately 3 days to complete.

At this time the parties do not request a settlement conference or mediation.

Respectfully submitted this 28th day of December, 2007.

/s/ Frank H. Hawthorne, Jr.

Frank H. Hawthorne, Jr. (HAW012)

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